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SEC. 3. The State department of health is empowered to provide for emergency medical or nursing care.

SEC. 4. The sum of \$10,000, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, to defray the expenses of the department of health in performing the duties imposed by this act and for the purpose of carrying out the other provisions of this act, payable by the treasurer on the warrant of the comptroller on the certificate of the commissioner of health or the health officer of the city, town, or village as the case may be, as hereinbefore provided.

PHYSICIAN PERMITTED TO DISCLOSE EXISTENCE OF COMMUNICABLE DISEASE TO PROTECT OTHERS.

The following abstract of a court decision is quoted from the advance sheets of the Northeastern Reporter, issue of July 27, 1920:

"A stranger, staying at a small hotel, becoming afflicted with sores on his body, went to the family physician of the hotel keeper who also acted as hotel doctor, who, after making a physical examination, informed him that he believed the disease to be syphilis, although it would be impossible to be positive without making certain Wassermann tests. He told the patient of the danger of communicating the disease at the hotel, and requested him to leave the next day, which he promised to do.

"While making a professional call at the hotel the next day, the doctor learned that the guest had not left, whereupon he told the proprietor that he thought plaintiff was afflicted with a contagious disease, and advised that certain precautions be taken. His belongings were put in the hallway, his room was fumigated, and he was forced to leave. He thereafter brought action against the physician, contending that the law absolutely prohibited the disclosure of any confidential communications by the physician at any time or under any circumstances, and that a breach of the duty of secrecy by defendant gave rise to a cause of action in favor of plaintiff."

The Supreme Court of Nebraska in *Simonsen v. Swenson*, 177 N. W. 831, held that the physician was not liable.

"Commissioner Flansburg in the opinion, which was adopted by the court, in discussing a physician's duty relative to professional secrecy, said:

" 'No patient can expect that if his malady is found to be of a dangerously contagious nature he can still require it to be kept secret from those to whom, if there was no disclosure, such disease would be transmitted. The information given to a physician by his patient, though confidential, must, it seems to us, be given and received subject to the qualification that if the patient's disease is found to be of a dangerous and so highly contagious or infectious a nature that it will necessarily be transmitted to others unless the danger of contagion is disclosed to them, then the physician should, in that event, if no other means of protection is possible, be privileged to make so much of a disclosure to such persons as is necessary to prevent the spread of the disease. A disclosure in such case would, it follows, not be a betrayal of the confidence of the patient, since the patient must know, when he imparts the information or subjects himself to the examination, that, in the exception stated, his disease may be disclosed.' "